



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: July 9, 2003

REPORT NO. 03-147

ATTENTION: Natural Resources and Culture Committee
Agenda of July 16, 2003

SUBJECT: Library Internet Policy

SUMMARY

Issue – Should the Library filter all public Internet terminals in library facilities?

Manager's Recommendation – Filter all public Internet terminals in library facilities.

Board of Library Commissioners Recommendation – At their July 2, 2003 meeting, the Board of Library Commissioners voted 6-0 to support staff recommendations to filter all public Internet terminals and to disable the filter when requested by an adult.

Fiscal Impact – Installation of filtering software, exclusive of staff time, will cost \$10.00 per terminal. Total cost of filtering public Internet terminals will be a one-time expense of less than \$3,000.

BACKGROUND

In December 2000, Congress enacted the Children's Internet Protection Act [CIPA] which provided that a public library may not receive federal assistance to provide Internet access unless it installs software to block images that constitute obscenity or child pornography, and to prevent minors from obtaining access to material that is harmful to them.

In response to this law, a group of libraries, library associations, library patrons, and Web site publishers, including the American Library Association, sued the United States and the government agencies responsible for administering the federal assistance programs and contended that filtering provisions of CIPA violated the First Amendment of the Constitution. The District Court agreed with the libraries and enjoined the federal agencies from withholding federal assistance for failure to comply with CIPA.

On June 23, 2003, the Supreme Court reversed the District Court's ruling and stated that Congress has wide latitude to attach conditions to the receipt of federal assistance in order to further its policy objectives. The Court found that public libraries have broad discretion in making collection decisions based on content and that the Internet is "no more than a technological extension of the book stack." The Court also noted that CIPA allows adult patrons to request that the filtering software be disabled "to enable access for bona fide research or other lawful purposes." The Court concluded that libraries use of Internet filtering software does not violate their patrons' First Amendment rights and that CIPA is a valid exercise of Congress' spending power.

DISCUSSION

The library profession has a long-standing commitment to facilitate access to information. This commitment is implemented locally through the development, adoption, and adherence to policies that are consistent with applicable federal, state and local law.

On June 23, 1997, City Manager Jack McGrory submitted a memo to the Mayor and City Council to inform them of actions taken regarding Internet filtering in the library. The Library's Departmental Instruction (D.I.) 20-22, containing an Internet Use Policy, was created to reflect the policies contained in this memo from the City Manager, and explains the Library's Internet Use Policy to staff. This included the following:

- Installing filtering software on computer workstations accessible to children.
- Terminating the Internet session of anyone reported to be viewing inappropriate images on any library workstation.
- Posting disclaimers regarding the limited effectiveness of Internet filtering to protect against unrealistic expectations and liabilities.

The Library's Internet Use Policy was approved by the Board of Library Commissioners in late 1997. Since that time, there has been at least one filtered Internet terminal in each library facility. When more than one computer is located in the children's area, all are filtered. There are a total of 359 public Internet terminals in library facilities, of which 115 are already filtered. An additional 55 Internet terminals will be added when the new Point Loma and La Jolla branch libraries open and when the Teen Space at Central Library is opened.

The Internet policy has been reviewed periodically, most recently in May, 2003, when the Board of Library Commissioners recommended that the Library identify ways to expand the number of filtered computers available to children, review and analyze current available filtering technology, and implement a process of requiring permission slips for children and young adults who wish access to unfiltered terminals. The Library had begun implementing these recommendations when the Supreme Court ruling was handed down.

The San Diego Public Library has long been a recipient of federal funds for Internet access and electronic links. In FY 2002, funds for Internet access and telecomm services totaled over \$66,000. In addition, approximately \$200,000 has been received in LSTA (Library Services and Technology Act) grants in FY 2002. If blocking technology were not put on library computers, the library would not receive these subsidies in the future.

In order to comply with the federal ruling, Library Director Anna Tatár recommended to the Board of Library Commissioners at their July 2, 2003 meeting that all public Internet terminals in library facilities be filtered by September 1, 2003. Staff would be able to disable filtered Internet terminals in the library's adult areas upon request by adults. The current Department Instruction governing appropriate use of the Internet will still apply. Since all public Internet terminals will now be filtered, it will not be necessary to require permission slips for children and young adults, since they will be unable to access unfiltered Internet terminals at any time. The library's current filtering software, CYBERSitter, is highly rated and will be added to all unfiltered public Internet terminals. This policy recommendation was unanimously approved by the Board of Library Commissioners at their July 2, 2003 meeting.

ALTERNATIVE

Do not filter all public Internet terminals.

Respectfully submitted,

Anna Tatár
Library Director

Approved: Bruce Herring
Deputy City Manager

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Note: The attachment is not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachment: Library Department Instruction 20-22: Internet Use Policy.

